

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition For Declaratory Ruling And/or)	
Rulemaking Filed by Americatel Corporation)	CG Docket No. 02-386
)	
Joint Petition For Rulemaking to Implement)	
Mandatory Minimum Customer Account)	
Record Exchange Obligations on All Local)	
And Interexchange Carriers Filed by)	
AT&T Corp., Sprint Corporation, and)	
Worldcom Inc.)	

**COMMENTS OF
ALLEGIANCE TELECOM, INC.**

Allegiance Telecom, Inc. (“Allegiance”) respectfully submits these comments on Americatel Corporation’s (“Americatel”) Petition For Declaratory Ruling And/or Rulemaking and on the Joint Petition For Rulemaking to Implement Mandatory Minimum Customer Account Record Exchange Obligations on All Local And Interexchange Carriers filed by AT&T Corp., Sprint Corporation, and Worldcom, Inc. (“IXC Petition”).

Introduction

Allegiance is a facilities-based competitive local exchange carrier (“CLEC”) whose operating subsidiaries provide local telephone service in thirty-six markets throughout the United States. As a CLEC, Allegiance will be impacted by any action the Commission may take pursuant to one or both of the Petitions and for this reason has a great interest in this proceeding.

Americatel asks the Commission to clarify certain of its rules regarding the obligations of local exchange carriers to provide billing name and address (“BNA”) service to interexchange carriers and to notify interexchange carriers when a customer changes LECs. The IXCs ask the Commission to initiate a rulemaking proceeding to impose mandatory minimum Customer

Account Record Exchange ("CARE") obligations on all local and interexchange carriers.

Allegiance recognizes that the billing issues raised by Americatel and the IXC's are complicated and may merit consideration in a rulemaking proceeding if the currently available procedures are determined insufficient to address the underlying problems. Allegiance, however, strongly disagrees with Americatel's suggestion that the Commission may adopt new BNA and carrier notification rules through a Declaratory Ruling without complying with the notice and comment procedures required to change substantive requirements of the Commission's rules. Because the changes proposed by Americatel would impose substantial additional regulatory burdens on local exchange carriers ("LECs") by requiring LECs to track and notify interexchange carriers of customer migrations, the Commission cannot act through a declaratory ruling as though it were merely clarifying an existing rule or rules.

As Americatel noted in its Petition, Allegiance has tariffed a BNA service pursuant to which interexchange carriers such as Americatel that provide dial around calling to end users can request (for a fee) billing name and address information necessary to bill the end users for the dial around calls. Americatel has offered no justification for requiring all LECs to also serve as billing agents for dial around carriers and imposing the obligation on the LEC to invoice, bill and collect long distance revenues on behalf of the dial around carriers. Nor has Americatel offered justification for requiring LECs to notify hundreds of interexchange carriers every time they lose a customer, regardless of whether the customer is presubscribed to the interexchange carrier's service, and provide information as to the identity of the customer's new local exchange carrier. Americatel's additional request that the Commission adopt rules that would require all LECs -- CLECs and ILECs -- to serve as billing, collection and tracking agents for interexchange carriers that offer dial around services should be denied outright.

To the extent that the Commission determines that there is a need to streamline the exchange of billing information between LECs and interexchange carriers, granting the IXC's Petition to commence a rulemaking on whether the Commission should establish minimum customer account record exchange ("CARE") standards is the far preferable alternative.

The Commission Should Deny Americatel's Petition

Americatel requests that the Commission enter a declaratory ruling clarifying that (1) the obligation of all LECs to provide BNA service applies to CLECs; (2) when a LEC loses a customer, it must supply the customer's presubscribed interexchange carrier with the identity of the customer's new LEC; and (3) whenever a LEC loses a customer, it must provide any interexchange carrier upon request with the identity of the customer's new LEC. Allegiance submits that Americatel is not requesting a clarification of the Commission's existing rules, but rather is requesting that the Commission adopt new rules without following the statutory notice and comment procedures. For this reason alone, Americatel's petition for declaratory ruling should be denied.

As an alternative to a declaratory ruling, Americatel requests that the Commission institute a rulemaking proceeding to impose the above obligations on CLECs. If the Commission is persuaded that there is a problem with the exchange of customer billing information that should be addressed on the federal level, it should grant the IXCs' petition for rulemaking which at least proposes a solution using the existing industry CARE process. In contrast, Americatel appears to be asking the Commission to adopt a rule requiring CLECs to provide invoicing, billing and collection services for long distance calls made by both its presubscribed customers and its dial around customers. Petition at 5-7. Americatel cites to no statute, rule or precedent pursuant to which the Commission has authority to force CLECs to undertake and perform such billing and collection functions for interexchange carriers. Many CLECs do not have systems in place that would allow them to serve as billing agents for other carriers and establishing such systems would be a very costly endeavor. Moreover, requiring LECs who lose a customer to notify not only the interexchange carrier to which the customer was presubscribed, but also any other

interexchange carrier upon request of the identity of the customer's new LEC is both unreasonable and unduly burdensome for CLECs. Pursuant to Americatel's proposal, LECs could easily be put in the position of having to notify every interexchange carrier that provides dial around service anywhere in the country every time they lose a customer and to supply the identity of the former customer's new LEC. This information would have to be provided upon request, regardless of whether the customer ever used the interexchange carrier's dial around services.

CLECs like Allegiance that participate in the existing CARE process already provide BNA information and customer win/loss records to presubscribed interexchange carriers. Such information should be sufficient to allow presubscribed interexchange carriers to know whom to bill, when to start billing and when to stop billing. Admittedly, the situation is somewhat more complicated for interexchange carriers that provide dial around service. Carriers providing dial around services may still request BNA information from the LEC providing service to the end user. Simply because dial around service providers do not have established business relationships with their dial around customers, however, the Commission should not shift to the LEC the burden to identify and bill the dial around customers or to send out notices every time one of its local exchange customers changes local service providers.

**The Commission Should Take No Action Absent A Determination
That The Current CARE System Is Broken**

The IXC Petition describes in some detail the history of the evolution of the CARE process, and how it functioned more than adequately prior to 1996 when customers did not have a choice of local service providers. The IXCs allege that "many of the new entrants do not provide CARE data, or do not provide it on a timely basis or with a quality or format upon which IXCs can depend." IXC Petition at 3. The existing CARE process was developed by the industry, not by regulators. It seems almost inconsistent with the deregulatory bias of the 1996 Act for the

Commission to step in and mandate the use of certain transaction codes and performance standards for the CARE process. Before the Commission takes such action, it must thoroughly review the existing CARE process and participation in that process and analyze whether in fact the process is broken as alleged. In the absence of such evidence, there is no basis to conclude that the existing CARE process does not work.

Conclusion

For the foregoing reasons, Allegiance urges the Commission to deny Americatel's Petition and take no action on the IXC's Petition until it examines whether the existing CARE procedures are adequate to resolve the billing issues raised by the parties.

Respectfully submitted,

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